

REMARKS

Applicants and Applicants' attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on December 15, 2004. The amendments to the claims and remarks presented by this paper are consistent with the amendments proposed and arguments presented during the Interview. Claims 1-8 and 11-24 are pending, of which claim 1 is an independent method claim with corresponding independent computer program product claim 19, claim 17 also is an independent method claim, and claim 24 is an independent system claim. As indicated above, claims 1, 2, 4, 6, 8, 11-16, 17-18, 19, 21, and 24 have been amended by this paper.¹ Applicants note for the record that the amendments to the dependent claims have been made solely to make them consistent with the language used in the corresponding independent claims.

The Office Action rejected each of the pending independent claims (1, 17, 19, and 24) under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,665,521 to Gorday et al. ("*Gorday*") in view of U.S. Patent No. 6,748,195 to Phillips ("*Phillips*"). The remaining dependent claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gorday* in view of *Phillips* and/or U.S. Patent No. 6,694,143 to Beamish et al. ("*Beamish*").²

Applicants' invention, as claimed for example in amended independent method claim 1, relates to facilitating user selection of one or more destination wireless devices from a plurality of destination wireless devices without requiring that the user of a source wireless device identify a wireless transfer technology. The method includes: detecting a plurality of destination wireless devices that are available to receive one or more items using at least one of a plurality of wireless transfer technologies, each of the plurality of available destination wireless devices using at least one distinct wireless transfer technology; the source wireless device presenting the plurality of available destination wireless devices to the user in a unified user interface that is independent of any particular wireless transfer technology; receiving a user selection of one or more destination wireless devices of the plurality of available destination wireless devices presented in the unified user interface without requiring separate user selection of a specific wireless transfer technology

¹Support for the amendments can be found throughout the Specification, and particularly within paragraphs [0022], [0037]-[0049], and within Figures 5-6.

²Although the prior art status of all cited art is not being challenged at this time, Applicants reserve the right to do so in the future. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

for each of the one or more selected destination wireless devices; and automatically, and without user intervention, identifying one or more wireless transfer technologies for the one or more destination wireless devices selected from the unified user interface to use when transferring the one or more items to each of the one or more selected destination wireless devices. Independent claim 19 recited similar limitations from the perspective of a computer program product.

Applicants' invention, as claimed for example in amended independent method claim 17, relates to facilitating user selection of one or more destination wireless devices without requiring that the user of a source wireless device identify a wireless transfer technology. The method includes: detecting a plurality of destination wireless devices that are available to receive one or more items using at least one of a plurality of wireless transfer technologies, each of the plurality of available destination wireless devices using at least one distinct wireless transfer technology; using a unified user interface to identify one or more destination wireless devices, the unified user interface being independent of the plurality of different wireless transfer technologies supported by the source wireless device so that a user need not identify any particular wireless transfer technology for communicating with the one or more destination wireless devices; and automatically, and without user intervention, identifying one or more wireless transfer technologies for the one or more destination wireless devices identified using the unified user interface to use when transferring one or more items to each of the one or more selected destination wireless devices.

Applicants' invention, as claimed for example in amended independent claim 24, relates to a wireless network. The network includes a source wireless device capable of transferring items over the wireless network using a plurality of different wireless transfer technologies; and a plurality of destination wireless devices available for receiving one or more items over the wireless network, each using at least one distinct wireless transfer technology; wherein the source wireless device configured to perform the following: detect the plurality of destination wireless devices, each using at least one distinct wireless transfer technology, that are available for receiving the one or more items; present the plurality of available destination wireless devices to the user in a unified user interface that is independent of any particular wireless transfer technology; receive a user selection of one or more destination wireless devices of the plurality of available destination wireless devices presented in the unified user interface without requiring separate user selection of a specific wireless transfer technology for each of the one or more

selected destination wireless devices; and automatically, and without user intervention, identify one or more wireless transfer technologies for the one or more destination wireless devices selected from the unified user interface to use when transferring the one or more items to each of the one or more selected destination wireless devices.

In order to establish a prima facie case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143 (emphasis added). During examination, the pending claims are given their broadest reasonable interpretation, i.e., they are interpreted as broadly as their terms reasonably allow, consistent with the specification. MPEP §§ 2111 & 2111.01.

Gorday discloses a wireless communication system with a primary protocol, such as Motorola's ReFLEX messaging protocol for communicating with a base station, and a secondary short range protocol for communicating with other ReFLEX units within range of the secondary protocol. Col. 2, ll. 4-19. Using the secondary protocol, the wireless devices agree to form a cooperative diversity network. Col. 2, ll. 26-28. For example, at least one of a plurality of cooperative wireless devices receives a signal intended for a targeted member of the diversity network and cooperatively processes the signal to increase diversity gain of the signal to the targeted member. Col. 2, ll. 60-67. A wireless device in the diversity network also may transmit a signal using the secondary protocol to a cooperative device for eventual transmission to the base station over the primary protocol in order to increase diversity gain to the signal transmitted to the base station. Col. 3, ll. 57-66. Applicants specifically note that Figure 1 of *Gorday* does not relate to a unified user interface as asserted in the Office Action.

Phillips discloses a wireless device that uses profiles associated with one or more contexts. As described beginning at line 50 or column 2, the contexts define various situations under which the wireless device operates. Depending on a context, the wireless devices changes its operational behavior, for example, when a context parameter changes. Context can correspond to a wireless device location, user age, skill, gender, or ambient environmental factors, such as temperature. For example, based on a profile associated with location, the wireless device can changes its operational behavior relative to sharing resources with other devices. The profile associated with a context can have one or more parameters that define the operational behavior of the wireless device in terms of one or more operating modes. Among

other things, the operating modes of the wireless device relate to its discoverability, connectability, pairing, security, and idle modes.

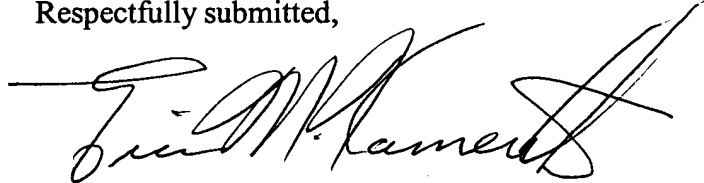
Among other things, however, *Gorday* and *Phillips* fail to teach, suggest, or motivate detecting a plurality of destination wireless devices that are available to receive one or more items using at least one of a plurality of wireless transfer technologies, each of the plurality of available destination wireless devices using at least one distinct wireless transfer technology; the source wireless device presenting the plurality of available destination wireless devices to the user in a unified user interface that is independent of any particular wireless transfer technology; receiving a user selection of one or more destination wireless devices of the plurality of available destination wireless devices presented in the unified user interface without requiring separate user selection of a specific wireless transfer technology for each of the one or more selected destination wireless devices; and automatically, and without user intervention, identifying one or more wireless transfer technologies for the one or more destination wireless devices selected from the unified user interface to use when transferring the one or more items to each of the one or more selected destination wireless devices, as recited in independent claim 1. *Gorday* also fails to teach, suggest, or motivate the corresponding limitations found in independent computer program product claim 19 and the wireless network claimed in independent claim 24, and fails to teach, suggest, or motivate the similar limitations found in independent method claim 17. The Examiner seemed to concur with this analysis during the Interview and noted in the Interview Summary that Applicants' proposed amendments to the independent claims appear to distinguish the prior art of record.

Based on at least the foregoing reasons, therefore, Applicants respectfully submit that the cited art fails to anticipate or make obvious Applicants' invention, as claimed, for example, in independent claims 1, 17, 19, and 24. Applicants note for the record that the other rejections and assertions of record with respect to the independent and dependent claims are now moot, and therefore need not be addressed individually. Accordingly, Applicants do not acquiesce to any assertions in the Office Action that are not specifically addressed above, and hereby reserve the right to challenge those assertions in the future, including any official notice taken by the Examiner, if necessary or desired.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 4th day of February, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Kamerath", with a stylized flourish at the end.

RICK D. NYDEGGER
Registration No. 28,651
ERIC M. KAMERATH
Registration No. 46,081
Attorneys for Applicant
Customer No. 047973

EMK:ahm
KC0000003500V001